

RULE 63 (37 C.F.R. 1.63)  
DECLARATION FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled BI-PLY FABRIC CONSTRUCTION AND APPAREL FORMED THEREFROM the specification of which (check applicable box(es)):

- ☐ is attached hereto.  
☒ was filed on January 23, 2004 as U.S. Application Serial No. 10/764,349  
☐ was filed as PCT International application No. PC1/ / on / and (if applicable to U.S. or PCT application) was amended on /

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a). I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Prior Foreign Application(s): Application Number	Country	Day/Month/Year Filed
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I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application listed below:

Prior Provisional Application(s): Application Serial No.	Day/Month/Year Filed
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I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

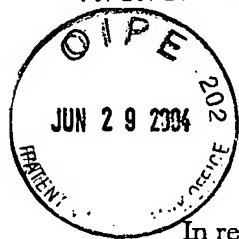
Prior U.S./PCT Application(s): Application Serial No.	Date/Month/Year Filed	Status: patented, pending, abandoned
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1) Inventor's Signature	<u>Robert A. Miller III</u>			Date	<u>5-21-04</u>
Inventor's Name (typed)	<u>Robert</u>	<u>A.</u>	<u>Miller, III</u>	<u>USA</u>	
	First	Middle Initial	Family Name	Citizenship	
Residence (City)	<u>New Ringgold</u>			State/Foreign Country)	<u>Pennsylvania</u>
Post Office Address	<u>71 Tower Road</u>			Zip Code	<u>17960</u>
2) Inventor's Signature				Date	
Inventor's Name (typed)					
	First	Middle Initial	Family Name	Citizenship	
Residence (City)				State/Foreign Country)	
Post Office Address				Zip Code	
3) Inventor's Signature				Date	
Inventor's Name (typed)					
	First	Middle Initial	Family Name	Citizenship	
Residence (City)				State/Foreign Country)	
Post Office Address				Zip Code	

FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with same information and signature and date for each.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert A. Miller, III

Serial No.: 10/764,349

Filing Date: January 23, 2004

Confirmation No.: 8098

For: **BI-PLY FABRIC CONSTRUCTION AND APPAREL FORMED THEREFROM**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

POWER OF ATTORNEY

Sir:

The undersigned, assignee of the entire interest in and to an application of Robert A. Miller, III for U.S. Letters Patent for a BI-PLY FABRIC CONSTRUCTION AND APPAREL FORMED THEREFROM, filed January 23, 2004, Serial No. 10/764,349, by an assignment document recorded with the Patent and Trademark Office (a copy attached hereto) hereby appoints the firm of Womble Carlyle Sandridge & Rice, PLLC, comprising C. Robert Rhodes, Registration No. 24,200; Jack B. Hicks, Registration No. 34,180; Jeffrey R. McFadden, Registration No. 46,916; Lewis S. Rowell, Registration No. 45,469; Craig H. Popalis, Registration No. 49,028; Louis T. Isaf, Registration No. 29,078; James F. Vaughan, Registration No. 31,889; Steven D. Kerr, Registration No. 32,472; D. Scott Sudderth, Registration No. 34,026; Michael A. Cicero, Registration No. 34,562; John J. Timar, Registration No. 32,497; Steven L. Schmid, Registration No. 39,358; David J. Hayzer, Registration No. 43,329; David S. Bradin, Registration No. 37,783; Jacquelyn D. Austin, Registration No. 43,478; Carl B. Massey, Jr., Registration No. 44,224; Thomas B. McGurk, Registration No. 44,920; William A. Capp, Registration No. 49,037; Ian Calvert, Registration No. 50,186; Paul C. Kimball, Registration No. 34,641; and Dale C. Hogue, Jr., Registration No. 32,823, as attorneys and/or agents with full power of substitution and revocation, to prosecute this application, to make alterations and

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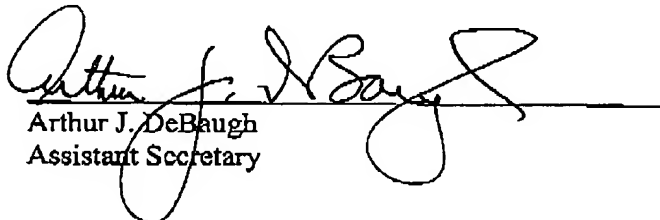
amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Furthermore, in accordance with 37 CFR 3.73(b), the undersigned hereby states that the documentary evidence of a chain of title from the original owner to the assignee, i.e. assignment document referenced above, has been reviewed and the undersigned certifies that, to the best of assignee's knowledge and belief, title is in assignee who seeks to prosecute this application.

**PLEASE ADDRESS ALL COMMUNICATIONS AND TELEPHONE CALLS TO:**

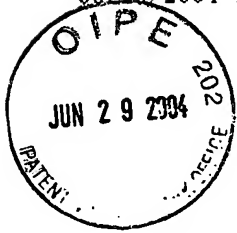
**Jeffrey R. McFadden  
Womble Carlyle Sandridge & Rice, PLLC  
P.O. Box 7037  
Atlanta, GA 30357-0037  
Tel: (336) 574-8060**

SARA LEE CORPORATION

  
Arthur J. DeBaugh  
Assistant Secretary

Date: 18 May 2004  
File No.: 4100-016 (43307.0020.9)

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## ASSIGNMENT

This Assignment is made by me, Robert A. Miller, III, a citizen of the United States of America, residing at 71 Tower Road, New Ringgold, Pennsylvania, Washington Schuylkill County; and (collectively, "Assignor").

WHEREAS, I am the sole inventor of certain new and useful improvements in a BI-PLY FABRIC CONSTRUCTION AND APPAREL FORMED THEREFROM (the "Invention"), for which United States patent application serial number 10/764,349 was filed on January 12, 2004 (the "Patent Application"), and

WHEREAS, Sara Lee Corporation, a Maryland corporation, having a principal place of business in Winston-Salem, North Carolina ("Assignee"), desires to acquire the entire right, title and interest in and to the Invention, and the Patent Application, and any and all patents issuing therefrom;

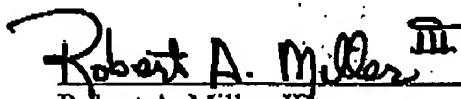
NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged,

Assignor hereby sells, assigns, and transfers to Assignee, its successors and assigns, the entire right, title and interest in and to the Invention, the Patent Application, all United States and foreign patents issuing therefrom, all continuations, continuations-in-part, substitutions, divisions or other patent applications claiming the priority benefit of the Patent Application, and all reissues or reexaminations of patents issuing therefrom. Assignor hereby authorizes and empowers Assignee to apply for patents or other form of protection for the Invention in its own name, or in the name of Assignee's successor, assignee, or nominee, in all countries where Assignor may desire to file such an application and where said application may be filed by other than the inventor.

Assignor represents and warrants that he is the sole and lawful owner of the entire right, title and interest in and to the Invention and the Patent Application, which are unencumbered, and that he has the lawful authority to sell, transfer and assign and convey the Invention and the Patent Application.

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Assignor shall sign all papers and drawings, take all rightful oaths, and do all acts necessary or required to be done for the procurement of valid United States or foreign patents for the Invention, or for the reissue or reexamination of the same, but at Assignee's expense.

  
Robert A. Miller, III

Date: 5-21-04

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